REMARKS/ARGUMENTS

Claims are amended for expeditious prosecution

This amendment is being filed in response to the office action dated June 6, 2007. In the current amendment, Applicants have amended at least claims 21-30 and certain other claims. Applicants are not conceding in this Application that these and/or other amended are not patentable over the art cited by the Examiner and/or for reasons provided by the Examiner, as the present claim amendments and/or cancellations are only for facilitating expeditious prosecution of the application. Applicants respectfully reserve the right to pursue these and other claims, including the original claims, in one or more continuations and/or divisional patent applications

Amendment to claims 8, 18, 28

Claims 8, 18, 28 have been amended to change the term "first" to "second" as shown in the amended claims. No new matter has been added.

Claims rejections under 35 U.S.C. 101

Applicants have amended claims 21-30 to include "a computer readable storage medium including code that when executed by a processor is capable of causing operations", and Applicants submit that the amended claims 21-30 overcomes the Examiner's 35 U.S.C. 101 based rejections.

Indication of allowable subject matter by the Examiner

Applicants thank the Examiner for indicating the presence of allowable subject matter in claims 2, 4, 8, 12, 14, and 18. Applicants further submit that with the amendments made to claims 22, 24, and 28, claims to overcome the Examiner's 35 U.S.C. 101 based rejections and therefore claims 22, 24, and 28 has allowable subject matter in addition to the allowable subject matter already indicated in claims 2, 4, 8, 12, 14, and 18. The Examiner is requested to note that claims 8, 18, 28 have been amended to change the term "first" to "second" as shown in the amended claims, and no new matter has been added.

Claim Rejections under 35 U.S.C. 102

The Examiner has rejected claims 1, 3, 5-7, 9-1 1, 13, 15-17, 19-21, 23, 25-27, 29 and 30 under 35 U.S.C. 102(b) as being anticipated by McCarty 6,014,383. Applicants traverse the rejection of the claims.

Independent claims 1, 11, 21

Claims 1, 11, 21 that have been rejected for similar reasons require:

sending a link layer login from a first port to a second port;

subsequently, sending an application layer login from the first port to the second port to establish a first data path, wherein the first data path is from the first port to the second port; and

subsequently, sending another application layer login from the second port to the first port to establish a second data path, wherein the second data path is from the second port to the first port.

The Examiner has rejected claims 1, 11, 21 as being anticipated by McCarty.

The claims require sending another application layer login from the second port to the first port to establish a second data path after an application layer login has already been sent from the first port to the second port to establish a first data path (wherein the second data path is from the second port to the first port, and the first data path is from the first port to the second port) and nowhere does the cited McCarty (7:64-67; 8:22-26; 9:3-5; 9:41-45) teach or disclose these claim requirement.

The Examiner has mentioned that col. 8, lines 22-26, col. 9, lines 3-5, and col. 9, lines 42-45 of the cited McCarty disclose the claim requirement of sending another application layer login from the second port to the first port to establish a second data path. Applicants discuss below why each of the sections of the cited McCarty cited by the Examiner does not teach or disclose the claim requirements of sending another application layer login from the second port to the first port.

Col. 8, lines 22-26 of the cited McCarty discusses that the initiator then sends a PRLI frame to the responder (cited McCarty col. 8, line 25-26). Therefore, col. 8, lines 22-26 of the cited McCarty discusses sending of an application layer login (via PRLI) from an initiator device to a recipient device, under the assumption that the Examiner interprets the initiator device mentioned in col. 8, lines 22-26 of the cited McCarty as the first port of the claim requirements,

whereas the claims require sending another application layer login from the second port to the first port. Should the Examiner interpret the initiator device of the cited McCarty as the second port of the claim requirements and continues to maintain the rejection the Examiner is requested to indicate which element of the cited McCarty is the first port of the claim requirements (the Examiner has identified elements 510 and 515 of the cited McCarty as corresponding to ports of the claims requirements but has not identified which of these two elements 510, 515 corresponds to the first port of the claim requirements and which of these two elements 510, 515 corresponds to the second port of the claim requirements. Additionally, nowhere does col. 8, lines 22-26 of the cited McCarty disclose the claim requirements that the another application layer login from the second port to the first port to establish a second data path is subsequent to the sending of the application layer login from the first port to the second port. While the term "subsequently" is not mentioned explicitly in claim 11 as in claims 1 and 21, it is apparent from the claim language of claim 11, that a first data path is established via the sending of an application layer login from the first port to the second port and a second data path is established via the sending of application layer login from the second port to the first port, and even without the inclusion of the term "subsequently" the requirements of claim 11 are not taught or disclosed by the cited art.

Col 9, lines 3-5 of the cited McCarty discusses and initiator 510 receiving a PLOGI frame from an initiator 515 and sending a response frame, such as LS_ACC frame to initiator 515, Col 9, lines 42-45 discusses the transmission of an appropriate request frame by an initiator. Applicants request the Examiner to note that a PLOGI frame corresponds to a link layer login frame (see reference numeral 300 in FIG. 3 of the Application of the Applicants) in. Therefore, col. 9, lines 3-5 and col. 9, lines 42-45 of the cited McCarty discusses link layer login frames and sending request frames and response frames but does not teach or disclose the claim requirement of sending another application layer login from the second port to the first port.

Therefore, while the cited McCarty discusses application layer logins via PRLI and link layer logins by PLOGI, nowhere does the cited McCarty teach or disclose the claim requirements of sending another application layer login from the second port to the first port.

For the above reasons claims 1, 11, 21 are patentable over the cited art.

Independent claims 6, 16, 26

Independent claims 6, 16, 26 require:

establishing a first data path from a first port to a second port;

determining, at the first port, whether the second port has a second data path established from the second port to the first port;

sending an application layer logout, from the first port to the second port, in response to determining that the second port has the second data path established from the second port to the first port; and

terminating the first data path from the first port to the second port in response to receiving the application layer logout at the second port.

The Examiner has rejected claims 6, 16, 26 as being anticipated by the cited McCarty. Applicants respectfully submit that nowhere does the sections of the cited McCarty cited by the Examiner teach of disclose the claim requirements of sending an application layer logout, from the first port to the second port, in response to determining that the second port has the second data path established from the second port to the first port.

The cited McCarty (7:67-8:l; 8:3; 9:41-44) [used in rejecting the claim requirements of sending an application layer logout, from the first port to the second port, in response to determining that the second port has the second data path established from the second port to the first port] discusses application layer logouts via PRLO in col. 7, line 67 – col. 8, line 3. Col. 9. Lines 41-44 of the cited McCarty discusses link layer login frames and sending request frames and response frames. However, the Examiner cited sections of the cited McCarty do not teach or disclose the claim requirement of sending an application layer logout, from the first port to the second port, in response to determining that the second port has the second data path established from the second port to the first port.

For the above reasons claims 6, 16, 26 are patentable over the cited art.

Dependent claims 2-5, 7-10, 12-15, 17-20, 22-25, 27-30

Additionally, claims 2-5, 7-10, 12-15, 17-20, 22-25, 27-30 depend directly or indirectly on the pending independent claims 1, 6, 11, 16, 21, 26. Applicants submit that these claims are patentable over the cited art because they depend from claims 1, 6, 11, 16, 21, 26 which are patentable over the cited art for the reason discussed above, and because the combination of the limitations in the dependent claims and the base and intervening claims from which claims 2-5, 7-10, 12-15, 17-20, 22-25, 27-30 depend provide further grounds of distinction over the cited art.

Conclusion

For all the above reasons, Applicant submits that the pending claims are patentable. Should any additional fees be required beyond those paid, please charge Deposit Account No. 09-0449.

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

Dated: September 6, 2007   By:__/Rabindranath Dutta/___

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